	CONGRESS SESSION S.
To pr	otect surface water from contamination by chemical storage facilities, and for other purposes.
Ι	N THE SENATE OF THE UNITED STATES
heta	NCHIN (for himself, Mrs. BOXER, and Mr. ROCKEFELLER) introduced following bill; which was read twice and referred to the Committee
То ј	A BILL protect surface water from contamination by chemical
1	storage facilities, and for other purposes.
	Be it enacted by the Senate and House of Representa- ves of the United States of America in Congress assembled,
	ECTION 1. SHORT TITLE.
4	This Act may be cited as the "Chemical Safety and
5 D	rinking Water Protection Act of 2014".
6 <b>SI</b>	EC. 2. PROTECTION OF SURFACE WATER FROM CONTAMI-
7	NATION BY CHEMICAL STORAGE FACILITIES.
8	(a) In General.—The Safe Drinking Water Act (42

 $9\,$  U.S.C. 300f et seq.) is amended by adding at the end the

10 following:

1	"PART G—PROTECTION OF SURFACE WATER
2	FROM CONTAMINATION BY CHEMICAL STOR-
3	AGE FACILITIES
4	"SEC. 1471. DEFINITIONS.
5	"In this part:
6	"(1) COVERED CHEMICAL STORAGE FACIL-
7	ITY.—
8	"(A) IN GENERAL.—The term 'covered
9	chemical storage facility' means a facility at
10	which a chemical is stored and the Adminis-
11	trator or State, as applicable, determines that a
12	release of the chemical from the facility poses
13	a risk of harm to a public water system.
14	"(B) Exclusions.—The term 'covered
15	chemical storage facility' does not include a fa-
16	cility that is subject to a procedure, method, or
17	other requirement for equipment to address
18	hazardous substances pursuant to section
19	311(j)(1)(C) of the Federal Water Pollution
20	Control Act (33 U.S.C. $1321(j)(1)(C)$ ).
21	"(C) Considerations.—In determining
22	risk of harm posed by a chemical storage facil-
23	ity under subparagraph (A), the Administrator
24	or State, as applicable, may consider the re-
25	quirements of applicable Federal or State laws
26	(including regulations).

1	"(2) State program.—The term 'State pro-
2	gram' means a chemical storage facility source water
3	protection program established under section 1472
4	"SEC. 1472. ESTABLISHMENT OF STATE PROGRAMS.
5	"(a) In General.—Not later than 1 year after the
6	date of enactment of this part, the Administrator or each
7	State exercising primary enforcement responsibility for
8	public water systems, as applicable, shall carry out, di-
9	rectly or through delegation, a chemical storage facility
10	source water protection program to provide for the protec-
11	tion of public water systems from a release of a chemical
12	from a covered chemical storage facility.
13	"(b) Program Requirements.—
14	"(1) IN GENERAL.—A State program under
15	subsection (a) shall provide for oversight and inspec-
16	tion of each covered chemical storage facility in ac-
17	cordance with the requirements described in para-
18	graph (2) to prevent the release of chemicals into
19	the water supply in watersheds with public water
20	systems that rely on surface water, including a cov-
21	ered chemical storage facility located in a source
22	water area identified under section 1453.
23	"(2) Minimum requirements.—At a min-
24	imum, a State program shall include—

1	"(A) requirements for covered chemical
2	storage facilities, including—
3	"(i) acceptable standards of good de-
4	sign, construction, or maintenance;
5	"(ii) leak detection;
6	"(iii) spill and overfill control;
7	"(iv) inventory control;
8	"(v) an emergency response and com-
9	munication plan;
10	"(vi) an employee training and safety
11	plan;
12	"(vii) an inspection of the integrity of
13	each covered chemical storage facility;
14	"(viii) lifecycle maintenance, including
15	corrosion protection;
16	"(ix) notice to the Administrator, the
17	appropriate State agency, and applicable
18	public water systems of—
19	"(I) the potential toxicity of the
20	stored chemicals to humans and the
21	environment; and
22	"(II) safeguards or other pre-
23	cautions that can be taken to detect,
24	mitigate, or otherwise limit the ad-

1	verse effects of a release of the stored
2	chemicals; and
3	"(x) financial responsibility require-
4	ments, including proof of insurance, bond,
5	or other similar instrument;
6	"(B) inspections of covered chemical stor-
7	age facilities, which shall occur—
8	"(i) for a covered chemical storage fa-
9	cility identified in a source water assess-
10	ment area under section 1453, not less fre-
11	quently than once every 3 years; and
12	"(ii) for any other covered chemical
13	storage facility, not less frequently than
14	once every 5 years; and
15	"(C) a comprehensive inventory of the cov-
16	ered chemical storage facilities in each State.
17	"(c) National Primary Drinking Water Regu-
18	LATIONS.—For purposes of primary enforcement responsi-
19	bility, a State program and any requirements under this
20	part shall be—
21	"(1) considered to be a part of the national pri-
22	mary drinking water regulations established under
23	section 1412; and

1	"(2) implemented and enforced in accordance
2	with the procedures under sections 1413 and 1414
3	and part E.
4	"(d) Administration.—A State program shall be
5	carried out—
6	"(1) if the State exercises primary enforcement
7	responsibility for public water systems in that State
8	under this Act, by the State; and
9	"(2) if the State does not exercise primary en-
10	forcement responsibility for public water systems in
11	that State under this Act, by the Administrator.
12	"(e) Guidance.—The Administrator may issue guid-
13	ance or provide other technical assistance to State pro-
14	grams in carrying out activities under this part.
15	"SEC. 1473. CORRECTIVE ACTION ORDERS.
16	"The Administrator under section $1472(d)(2)$ or the
17	State under section $1472(d)(1)$ , as applicable, may issue
18	an order to the owner or operator of a covered chemical
19	storage facility to carry out this part.
20	"SEC. 1474. COST RECOVERY.
21	"If costs have been incurred by the Administrator or
22	the State, as applicable, for undertaking a response action
23	under this part relating to the release of a chemical, the
24	owner or operator of the covered chemical storage facility

1	shall be liable to the Administrator or the State for those
2	costs.
3	"SEC. 1475. TRANSFER OF COVERED CHEMICAL STORAGE
4	FACILITIES.
5	"Notwithstanding the inspection schedule under sec-
6	tion $1472(b)(2)(B)$ , no person shall transfer a covered
7	chemical storage facility unless—
8	"(1) prior to the closing or completion of the
9	transfer, the transferor submits to the transferee the
10	results of a pretransfer inspection of the integrity of
11	the covered chemical storage facility, which shall be
12	conducted pursuant to any requirements set by the
13	Administrator under section 1472(d)(2) or the State
14	under section 1472(d)(1), as applicable; and
15	"(2) the transferor or the transferee agrees to
16	take appropriate measures to address the results of
17	the pretransfer inspection prior to the date that is
18	30 days after the date on which the covered chemical
19	storage facility closes or is transferred.
20	"SEC. 1476. INFORMATION SHARING.
21	"(a) Information for Public Water Systems.—
22	The Administrator or State, as applicable, shall provide
23	public water systems with information relating to—

1	"(1) emergency response plans for covered
2	chemical storage facilities located within the same
3	watershed as the public water system; and
4	"(2) an inventory of each chemical held at the
5	covered chemical storage facilities described in para-
6	graph (1).
7	"(b) Emergency Response Plans.—A copy of
8	each emergency response plan submitted under section
9	1472(b)(2)(A) shall be provided to—
10	"(1) the Administrator (if the State exercises
11	primary responsibility for public water systems in
12	that State); and
13	"(2) the Secretary of Homeland Security.
14	"(c) Information.—
15	"(1) In General.—The Administrator or a
16	State, as applicable, may keep confidential informa-
17	tion the Administrator or the State determines to be
18	sensitive and present a security risk to a covered
19	chemical storage facility.
20	"(2) Exceptions.—Paragraph (1) shall not—
21	"(A) apply to public health information; or
22	"(B) prevent the sharing of information
23	with the Administrator, the Secretary of Home-
24	land Security, a public water system, or a pub-
25	lic agency involved in emergency response.".

1	(b) Emergency Powers.—Section 1431 of the Safe
2	Drinking Water Act (42 U.S.C. 300i) is amended—
3	(1) by redesignating subsection (b) as sub-
4	section (c); and
5	(2) by inserting after subsection (a) the fol-
6	lowing:
7	"(b) Petitions.—
8	"(1) IN GENERAL.—In any case in which the
9	Administrator is authorized to act under subsection
10	(a), the owner or operator of a public water system
11	may—
12	"(A) commence a civil action for appro-
13	priate equitable relief, including a restraining
14	order or permanent or temporary injunction, to
15	address any activity or facility that may present
16	an imminent and substantial endangerment to
17	the health of persons who are supplied by that
18	public water system; or
19	"(B) petition the Administrator to issue an
20	order or commence a civil action under sub-
21	section (a).
22	"(2) Response.—
23	"(A) In general.—Subject to subpara-
24	graph (B), not later than 30 days after the date
25	on which the Administrator receives a petition

1	under paragraph (1), the Administrator shall
2	respond to the petition and initiate such action
3	as the Administrator determines to be appro-
4	priate.
5	"(B) Special rule for emergencies.—
6	If the owner or operator of a public water sys-
7	tem submits the petition under paragraph (1)
8	in response to an emergency, the Administrator
9	shall respond not later than 72 hours after re-
10	ceipt of the petition.".
11	(c) Conforming Amendment.—Section 1414 of the
12	Safe Drinking Water Act (42 U.S.C. 300g-3) is amend-
13	ed—
14	(1) in subsections (a), (b), (e), (f), and (g)—
15	(A) by inserting after "public water sys-
16	tem" each place it appears "or a covered chem-
17	ical storage facility"; and
18	(B) by inserting after "public water sys-
19	tems" each place it appears "or a covered
20	chemical storage facility"; and
20 21	chemical storage facility"; and (2) in subsection (i)—
21	(2) in subsection (i)—

1	(B) by striking the heading designation
2	and all that follows through "means—"and in-
3	serting the following:
4	"(i) Definitions.—In this section:
5	"(1) APPLICABLE REQUIREMENT.—The term
6	'applicable requirement' means—'';
7	(C) in paragraph (1)(A) (as so redesig-
8	nated)—
9	(i) by inserting a comma after
10	"1417"; and
11	(ii) by striking "or 1445" and insert-
12	ing "1445, or part G"; and
13	(D) by adding at the end the following:
14	"(2) Covered Chemical Storage Facil-
15	ITY.—The term 'covered chemical storage facility'
16	has the meaning given the term in section 1471.".